

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05082, from R-6 Residential District to B-3 Commercial District, requested by Sierra Investments, LLC, on property generally located at the southwest corner of 21st and K Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/15/06 and 03/01/06
Administrative Action: 03/01/06

STAFF RECOMMENDATION: Denial

RECOMMENDATION: Approval for the east 280', subject to a development agreement and approval of the architectural design by the Nebraska Capitol Environs Commission (5-1: Krieser, Carroll, Sunderman, Esseks and Taylor voting 'yes'; Carlson voting 'no'; Strand and Larson absent).

FINDINGS OF FACT:

1. This request seeks to change the zoning from R-6 Residential to B-3 Commercial, to allow the property to be used as an auto body repair shop. The applicant is being required to move from its current location at 2121 P Street due to the Antelope Valley Redevelopment Plan. An auto body repair shop is allowed as a conditional use in the B-3 district.
2. The staff recommendation of denial is based upon the "Analysis" as set forth on p.6-14, concluding that the proposed use of this property does not conform to the office/residential land use designations contained in the Comprehensive Plan, Downtown Master Plan or Antelope Valley Redevelopment Plan. Moreover, the Public Works Department urges that access to this development be limited to the alley off of 21st Street, further limiting the potential for commercial use of this property.
3. The report from the Nebraska Capitol Environs Commission is found on p.26-27. The NCEC voted 4-1 to recommend approval of the change of zone to B-3 for the east half of the property and to explore other more restrictive districts that would allow this use.
4. The applicant's testimony and other testimony in support is found on p.10-13, 14-15 and 16-17. The applicant agreed to change the zoning only on the east 280' as opposed to the entire block face, and agreed to attempt to reach agreement with the City relative to both the uses and the site plan. The record also consists of 77 letters in support (p.34-112).
5. There was no testimony in opposition; however, the record consists of four letters in opposition (p.113-116).
6. The report from the Lincoln-Lancaster County Health Department with regard to air quality is found on p.32-33, finding the concentrations of airborne auto paint solvents to be well within the acceptable range and that the existing exhaust and filtration systems are adequate.
7. On February 15, 2006, a motion for approval for the east 280', conditioned upon an agreement between the applicant and staff on the site plan and access issue prior to scheduling on the City Council agenda, and conditioned upon approval of the architectural design by the Nebraska Capitol Environs Commission, failed 4-1 (Esseks, Sunderman, Carroll, and Taylor voting 'yes'; Carlson voting 'no'; Krieser, Strand and Larson absent).
8. On March 1, 2006, after continued public hearing, the same motion made on February 15, 2006, was recommended by the Planning Commission on a vote of 5-1 (Krieser, Carroll, Sunderman, Esseks and Taylor voting 'yes'; Carlson voting 'no'; Strand and Larson absent).
9. The discussion on a development agreement as recommended by the Planning Commission has reached impasse over the issue of access. Public Works has suggested one mid-block access to serve this proposed use as well as the land on the west half of the block face, in addition to the alley off 21st Street. The applicant feels he needs an additional driveway off K Street for an "estimating" area. The applicant has requested that this request be submitted to the City Council without the development agreement.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2006\CZ.05082

DATE: April 10, 2006

DATE: April 10, 2006

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #05082

PROPOSAL: Change from R-6 Residential District to B-3 Commercial District

LOCATION: 21st and "K" Street, southwest corner

LAND AREA: 63,980 square feet, or 1.47 acres, more or less.

CONCLUSION: The proposed use of this property does not conform to the land use designations contained in either the Comprehensive Plan, Downtown Master Plan, or Antelope Valley Redevelopment Plan. Moreover, the Public Works Department urges that access to this development be limited to the alley off of 21st Street, further limiting the potential for commercial use of this property.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-9, 1-5, and the east 30 feet of Lot 6, Block 3, McMurtry's Addition, located in the N1/2 of Section 25 T10N R6E, Lancaster County, Nebraska. (**As recommended by Planning Commission on March 1, 2006**)

EXISTING LAND USE AND ZONING:

Single-family dwelling, vacant	R-6 Residential
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SURROUNDING LAND USE AND ZONING:

North:	Commercial parking lot	R-6 Residential
South:	Multiple-family residential	R-6 Residential
	Commercial	B-3 Commercial
East:	LPS parking lot	R-6 Residential
West:	Multiple-family residential	R-6 Residential

HISTORY:

Sep 2005	Downtown Master Plan adopted.
Nov 2004	Antelope Valley Redevelopment Plan adopted.
May 1979	This property was changed from D Multiple Dwelling to R-6 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan Identifies this property as Urban Residential. (F 25)

Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form. (F 16)

Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors. (F 19)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 25)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Commercial and industrial districts in Lancaster County shall be located so that they enhance entryways or public way corridors, when developing adjacent to these corridors. (F 38)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope Valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented. Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (F 48, 49)

DOWNTOWN MASTER PLAN SPECIFICATIONS: The Downtown Master Plan shows the requested area as Low Rise Office. (20) See attached pages 20, 35, and 37 of this plan.

Employment Framework: The Employment Framework provides new office development sites with floor plate sizes and configurations to attract "Class A" tenants. (35, 36)

Expands Capitol Environs: Strengthens and adds to existing government-related employment uses near the Lincoln Mall and Centennial Mall corridors.

K and L Streets: Provides for expansion of financial and other office uses along this corridor.

Downtown/Antelope Valley Framework:

A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln. (37)

DOWNTOWN MASTER PLAN DESIGN GUIDELINES (DRAFT) SPECIFICATIONS:

Guidelines give developers and citizens an understanding of the city's expectations and provide consistent criteria by which to review proposed projects. They ensure a degree of order, harmony and quality within the built environment, so that individual buildings and projects succeed on their own yet also contribute to a unified and distinct downtown Lincoln district. (2)

Character Guidelines:

Intent: The Character Guidelines address the qualities that give Lincoln its uniqueness and personality. They consider what makes downtown a special, distinct "place," not simply a group of individual buildings and streets. (4)

Architectural Compatibility Guideline: New buildings should be "good neighbors" and contribute to the quality and character of their architectural context. (8)

Description: Buildings should "fit" with their architectural surroundings – relating to nearby buildings rather than calling attention to themselves through disruptive design excesses or novel variations. Material, color, texture,

scale, form, silhouette, height, rhythm and proportion all influence a structure's compatibility with its surroundings. Architectural elements should enhance not detract from the area's overall character.

Appropriate: Traditional architectural elements (for example, classical cornice) used at a scale and level of detailing proportionate to the size of the building. Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

Inappropriate: Out-of-scale, over-simplified, cartoon-like cornices or other traditional architectural elements applied without regard to size or use of the element. Building elements that do not respect the scale, materials, proportions and heights of adjacent historic or significantly high-quality buildings.

Architecture Guidelines:

Intent: The Architectural Guidelines promote quality development while reinforcing the individuality, spirit and values of Lincoln. They foster design of buildings and sites that is representative of Lincoln's heritage and character, and suits its climate, landscape and downtown street grid. (18)

Use Quality Wall Material Guideline: Use materials that create a sense of permanence. (24)

Description: Quality wall materials can provide a sense of permanence and bring life and warmth to downtown. Articulation of wall materials should be bold, using materials that show depth, quality and durability. It should be apparent that the materials have substance and mass, and are not artificial, thin "stage sets" applied only to the building's surface.

Appropriate: Boldly articulated window and storefront trim. Natural or subdued building colors. Limited use of bright accent trim colors. Varied yet compatible cladding materials. Masonry materials – brick and stone or terra cotta.

Create Attractive Building Silhouettes and Roof Lines Guideline: Create interesting and detailed roof lines and silhouettes. (25)

Description: Building roof lines should enliven the pedestrian experience and provide visual interest with details that create forms and shadows. A building's silhouette should be compatible with those of other buildings along the existing streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry.

Appropriate: Dormer windows. Towers or similar vertical architectural expressions of important building functions such as entries. Varied roof line heights. If cornices are used they should be well detailed. They should have significant proportions (height and depth) that create visual interest and shadow lines.

Inappropriate: Unarticulated roof lines. Poorly detailed decorative roof forms.

Lighting Guidelines:

Intent: The lighting of buildings and open spaces should not only provide security, but also contribute to the overall sense that the downtown is active and vital all hours of the day. Lighting should be designed not simply to be utilitarian but to create a pleasant, welcoming atmosphere that does not contribute to "light pollution." Use of glaring, offensively colored lights should be discouraged. Fixtures should be visually "quiet" – they should not overpower or dominate the streetscape. (32)

Orient Lighting to the Pedestrian Guideline: Lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the greater downtown. (33)

Description: Street lighting should be provided on all public streets, sidewalks, pedestrian walkways and public open spaces. Lights may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas at night to create an inviting and safe ambiance.

Appropriate: Street lights of historical design. Pole standards black or dark green in color. Standards accommodating banners and hanging flower pots (potentially including automatic drip irrigation for pots). Footlighting that illuminates walkways and stairs. Fixtures concealed and integrated into the design of buildings

or landscape walls and stairways. Bollard lighting that is directed downward toward walking surfaces. Seasonal string lights on buildings and trees.

Inappropriate: Flashing or colored lights. Exposed cords, outlets or other electrical devices that may provide safety hazards and are unsightly. Contemporary fixtures or over scaled, utilitarian fixtures such as “cobrahead” lights. Concrete light fixture bases taller than eight inches. Ornamental or contemporary light fixtures. Low pressure sodium lamps.

Integrate Building Lighting Guideline: Exterior lighting of buildings should be an integral component of the facade composition. (34)

Description: Architectural lighting may be used to articulate the particular building design. Lighting of cornices, uplighting and other effects may be used. Lighting should not cast glare into residential units or onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles. Lights may, however, be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building.

Appropriate: Wall-washing lighting fixtures. Decorative wall sconce and similar architectural lighting fixtures. Screened uplight fixtures on buildings or integrated with landscape. Lighting that provides natural color.

Inappropriate: Neon silhouette accent lighting. Bulb or flashing lighting. Fluorescent tube lighting. Security spotlight. Low pressure sodium lamps.

Sign Guidelines:

Intent: Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Regardless of their function, signs should be architecturally compatible with and contribute to the character of the downtown. Signs should be good neighbors – they should not compete with each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement. (35)

Consider Size and Placement of Wall Signs Guideline: Signs should be sized and placed so that they are compatible with the building’s architectural design. (36)

Description: Signs should not overwhelm the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification.

Appropriate: Signs should be incorporated into the building architecture as embossing, low relief casting or application to wall surfaces. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters. Signs may be painted or made with applied metal lettering and graphics. Signs should be durable and long lasting. Signs may incorporate lighting as part of their design. Signs should be located above storefronts, on columns or on walls flanking doorways.

Inappropriate: The material, size and shape of signs that overwhelm, contrast greatly or adversely impact the architectural quality of the building. Roof-mounted signs. Backlit signs. LED animated signs. Video signs. Painted window signs.

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS: The Antelope Valley Redevelopment Plan identifies this property with a Mixed Use designation. (54) See attached pages 54, 57, and 58 of this plan.

Future Land Uses:

East Downtown is defined by the waterway, the one-way pairs of “K” and “L” Streets, 17th Street and the UNL Campus edge. The area has a variety of architecture, building usage, streetscape definitions and site density. It is intended to be marked by mixed-use, streetscape oriented infill development revitalizing underdeveloped land, renovating key existing structures, and capitalizing on parking and open space. The applicable East Downtown future land use designations would encourage mixes of uses - residential/office/retail/services - next to each other as well as a commercial use on the first floor and another land use on the upper floors. (53)

MU - Mixed-Use: The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. (58)

The area along "K" and "L" Streets between S. 17th and S. 22nd Streets is a key entry corridor to and from downtown. In this area the mix of uses is intended to provide additional diversity in office and residential products to traditional Downtown. The proximity of these blocks with the State Capitol provides the impetus for government and statewide association facilities. (58, 59)

Zoning Concepts:

The B-4 zone is the zone of Traditional Downtown. It allows virtually any land use, at high intensity and density. East Downtown should not have regulations that are the same for Traditional Downtown. (68)

Urban Design Principles:

Urban Design - Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings. Suburban elements to avoid include deep setbacks, and overall design oriented toward the scale of the automobile. Building should be encouraged to be located next to the sidewalks along the front yard line, with parking in the back of buildings. (69)

Diminish Visual Prominence of Parking - Concentrations of parking should be concealed within interior parking courts (buildings on the street, parking behind) or in garages wrapped with buildings. (69)

Character of Place - Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance. (69)

Quality of Place - Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest. (69)

Physical Connectivity - Physical integration and connectivity should be a prominent force guiding all transportation decisions to promote development that is integrated and connected with its surrounding environment and community. This facilitates ease of access, economy of movement and improved social interaction. (69)

TRAFFIC ANALYSIS: The Comprehensive Plan identifies "K" Street as a minor arterial and 21st Street as a collector, both now and in the future. (49, 103) Access to the site is a concern, and Public Works urges that access be limited to the alley off of 21st Street.

AESTHETIC CONSIDERATIONS: This project falls within the boundaries of the Downtown Master Plan and Antelope Valley Redevelopment Plan, both of which address the need for strong urban design and pedestrian-oriented development. This location is part of an important gateway corridor for Downtown and the State Capitol building, and is included in the Capitol Environs District.

ALTERNATIVE USES: This site is anticipated for low-rise office or mixed use development. This site would be appropriate for governmental or private offices, or mixed-use including residential over office.

ANALYSIS:

1. This is a request for a change of zoning designation from R-6 Residential to B-3 Commercial. The proposed use of the property is auto body repair.
2. The R-6 district allows residential uses, but not commercial uses. The B-3 district allows many general commercial uses, ranging from office to retail. An auto body repair shop is allowed as a conditional use in the B-3 district. However, changing the zoning does not

necessarily mean the proposed use will materialize; once the zoning designation is changed, the property can be put to any use allowed in the B-3 district, including milk distribution station, food storage locker, stand-alone parking lot, convenience store, car wash, recycling center, appliance repair, used car lot, and the sale of alcohol.

3. The proposed uses do not conform to either land use plan contained in the Downtown Master Plan or the Antelope Valley Redevelopment Plan. This property is located in an important entry gateway for Downtown as well as the State Capitol building. The future vision for property in this general area is low-rise office and mixed office/residential use.
4. This proposal is located in the Capitol Environs District, which was created to maintain and enhance the aesthetic quality, historic value, spiritual dignity, and physical dominance of the Capitol over the city and the surrounding countryside. The Capitol Environs Commission discussed this project at their January 26 meeting in terms of its impact on the setting of the Capitol. (The draft minutes from that meeting, though not yet approved, are attached.)

The Commission was concerned about possible uses in the requested B-3 zoning district beyond the portion of the property intended for the applicant's business, and reminded the applicant that whatever the property's zoning, its development is subject to the Capitol Environs Design Standards. Environs Commission members expressed sympathy for the applicant's plight and support for his desire to remain in the vicinity of Downtown. A motion was made and adopted to recommend a change of zone on the east portion of the property—that portion intended for the applicant's business--excluding the west 150 feet, and asked that more restrictive districts allowing this use be explored.

5. Changing the zoning on only the eastern portion of this property will require changes to the site plan consistent with the setback requirements for B-3 districts adjacent to residential zoning. In this case, there would be a 30 foot rear yard to the west, and 20 foot front yards to the north and east, all of which are 0 feet as proposed. The B-3 district always allows parking within the front and rear yards, but not the side yard.
6. An auto body repair shop can be located in several districts as a conditional use: B-3, B-4, H-3, H-4, I-1, and I-2. The B-3 district is the most restrictive district that allows auto body repair. More restrictive commercial districts such as the B-1 Local Business District and B-2 Planned Neighborhood Business District do not allow auto body repair shops.
7. This use in the B-3 zoning district requires a screen that covers at least 90% of the height from ground level to 6', located along the perimeter of the area where vehicles waiting repair are held outside of a building. This requirement is most often met with a 6' tall privacy fence.
8. When taken together, the adopted plans for the area and the Capitol Environs District regulations strongly favor office/mixed use projects that compliment the importance of this gateway to Downtown and the capitol. An auto body repair shop will set a tone for this area that will discourage the planned uses. The block to the north and east, which was recently considered for a convenience store and restaurant, was isolated from surrounding development by "K and "L" Streets, open space, and school parking. The site now in question is a portion of a block which is surrounded by other blocks that are expected to redevelop over time.

9. The applicant indicates he has been unsuccessful at obtaining two other sites in the Antelope Valley area from the City, due to the same reasons that staff is recommending denial of this rezoning. While we understand his desire to remain close as close as possible to his current location, we would suggest that an auto body shop, because of its very occasional use by most customers is better able to survive a more distant relocation than businesses that provide more frequent service to customers. Sites are available in the West "O" Street corridor close to Downtown, and in several other locations of the city where various auto-related uses are clustered.
10. The applicant suggests a conditional zoning agreement could be used to bind the developer to specific design considerations to ensure the development will meet the policy guidelines stated in the Downtown Master Plan and Antelope Valley Redevelopment Plan. However, the applicant has not proposed any specific conditions, and the building as described would not meet the Antelope Valley design guidelines in a number of regards. Additionally, the City Council has not formalized a process for using this as a development tool.
11. Public Works - Development Services comments:
 - 11.1 The site plan that is attached to this request for a change of zone from R-6 to B-3 raises several questions and Public Works has concerns with the location of the zone change abutting a quite populated residential area to the south of this proposed business zoning.
 - 11.2 The access to this property if approved will have to be from the alley south off of 21st Street. No access from "K" Street will be considered. Public Works assumes that this will be an important issue regarding this proposed change of zone request.
12. Health Department comments:
 - 12.1 The LLCHD has concerns relative to paint odor emissions associated with auto body facilities. Therefore, as a condition of approval, the LLCHD requests the applicant meet with the LLCHD prior to construction of an auto body facility to discuss configuration of the paint booth exhaust system to ensure that concerns are met relative to Lincoln Municipal Code 8.06 Air Pollution.
 - 12.2 In addition, as a condition of approval if a conditional zoning agreement is developed, the LLCHD request that early childhood care facilities are listed as a restricted use on this parcel of land if the auto repair facility is constructed.
13. Planning staff recommends denial of this request. Should the Planning Commission choose to recommend approval, planning staff suggests only those lots necessary for this use be changed.
14. A final plat will not be required prior to construction on this parcel. Therefore, additional steps should be taken by the applicant during the building permit process to provide a site plan showing access acceptable to Public Works.

Prepared by:

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Date: February 2,, 2006

Applicant: Sierra Investments LLC
and 2121 "P" Street
Owner: Lincoln, NE 68503

Contact: Mark Hunzeker
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CHANGE OF ZONE NO. 05082

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 15, 2006

Members present: Esseks, Sunderman, Carroll, Taylor and Carlson; Krieser, Strand and Larson absent.

Staff recommendation: Denial.

Ex Parte Communications: None.

Additional information submitted for the record: Greg Czaplewski of Planning staff submitted seven additional letters in support of this change of zone request.

Proponents

1. Tony Hillhouse, 1200 Garden, Bennet, NE, 68317, testified in support on behalf of the applicant, Glen Hillhouse, who is his close personal friend and his father. Hillhouse is an officer and active employee in the family business being displaced by the Antelope Valley project. He does not question the need for Antelope Valley but his father wishes to continue the 45-year history of customer service in the Downtown area. His father purchased the shop at 21st & P in 1965 at the age of 21. He had determination, drive and work ethic. Glen Hillhouse is reliable and trustworthy. He dreamed of a modern facility with an all-glass front and eventually paid it off. He is setting out to build another modern state-of-the-art facility. The move to the 21st & K location will enable the company to continue to provide employment for eight employees and their families, and provide a much needed service in the Downtown area. The applicant needs and wants to stay Downtown.

Hillhouse read a letter into the record written by the neighbor directly south of 21st & K:

I believe this type of construction and development is needed in this neighborhood. There has been very little new construction in this area and I believe this will jump-start this neighborhood.

This neighbor is welcoming Glen's Body Shop with open arms. Glen Hillhouse has a track record of operating a clean, modern facility.

Esseks inquired as to the height of the building. Hillhouse indicated it would be 14'.

2. Allen Hillhouse, officer and manager at Glen's Body Shop, testified in support. The business has been tracking its customers for 25 years, who always come from zip codes 68506, 68510, and 68516. 30,000 people work in Downtown Lincoln. These services will continue to be an important need in this area. The new shop located just out of the heart of Downtown will continue to fill the large need for transportation support services.

3. Laura Bell, 3721 Timberline Court, 68506, a commercial real estate broker for Commercial Realty Group, testified in support. She has worked with Glen's Body Shop for five years, ever since Antelope Valley began notifying parties that they need to relocate. Mr. Hillhouse has built a very

successful and reputable business. They do excellent work and have excellent customer service, running a very clean shop. They wish to stay in the general vicinity of their 21st & P Street location because this is where they have built their business for 40 years. The proposed site is vacant ground currently in need of redevelopment. Time is running out to find a new location. They have been unable to find any other alternative sites. They have considered and inquired about properties on the market as well as properties not on the market. Over the course of time they have investigated over 35 properties besides 21st and K.

4. Bruce Bailey, Design Associates, 1609 N Street, submitted a rendering of the proposed facility. He pointed out that Glen's Body Shop was located along side a neighborhood previously and he is moving into a neighborhood. The applicant understands the importance of the K Street corridor. They have focused on the aesthetics and have tried to make it an attractive structure, within the guidelines of how a corridor entrance should look. The shop backs onto P Street now. In the new facility, cars will not be allowed to back into the street. They have brought the vehicles inside and have enclosed the other cars into a structure in back of the lot with landscaping. All of the parking is landscaped as well.

Esseks asked where they would store the badly damaged cars which will take time for the parts to arrive. Bailey explained that there will be an outdoor enclosed structure so that you would not see those cars coming in off the alley nor from K Street nor from either side. It is both landscaped and a 6' opaque fence.

Carroll noted that Public Works does not want there to be access off K Street. How does that affect the project? Bailey explained that they have a one-way in, not out. He believes that taking access off of K would be convenient and critical to any business. The existing zoning would allow 5 lots and 5 homes to all have access off K. They are showing one driveway for entrance only. There will be no exit on K Street, but rather through the alley to 21st Street. The employee parking has access off K Street. Instead of five driveways that could have access under the R-6 zoning, they are asking for only one entrance for customers and an access for employee parking.

Carroll inquired whether the applicant considered anything more linear long K Street, with everything behind the building so that it would be hidden from K Street. Bailey explained that because of the way the body shop functions where everything is put into the back, the linear design did not work. They are showing more landscaping and by doing some different level treatments of the roof line, they have created a more interesting structure.

5. Glen Hillhouse, 2020 Surfside, the applicant, pointed out that Antelope Valley has created and forced many changes, and many of the changes in this area will be welcome. The area is referred to as the entryway/corridor to downtown and in view of the Capitol. The Comprehensive Plan suggests that commercial districts shall be so located and so formed that they enhance the entryway and/or corridors when developing adjacent to these corridors. His plan is to enhance this area, to bring up the tax base, and continue to be a good citizen and reputable servant to his customers. The Capitol Environs Commission voted in favor of this application.

6. Mark Hunzeker appeared on behalf of the applicant. The site at 21st and K is surrounded by commercial on the north and south, parking lots and high density multi-family housing to the east and west, and somewhat also to the south. The Antelope Valley plan (which is the real reason for this application) calls for this area to be mixed use. The B-3 district is the definition of mixed use. It allows for a wide variety of commercial uses, including body shops as a conditional use, and it also provides for relatively high density housing. Therefore, by definition, the City Council at some point

in time had determined that residential uses above the first floor are compatible with the uses listed in the B-3 district. This is an ideal mixed use situation and Hunzeker believes that this is a use that is compatible with both the Antelope Valley and Downtown Master Plans. Granted, the Downtown Master Plan makes reference to low rise office and colors this area a slightly different color than the Antelope Valley plan, but remember, both of those plans cover very large areas, and this is a relatively small parcel at the very, very fringe of both of those plan areas. One might say it is located at the exit to Downtown Lincoln, or at least one of the major exits, as opposed to entrance. This is an eastbound one-way that takes you out of Downtown and this property is at the very end of that area.

Hunzeker agreed that planning is a very important tool and it is necessary. He also agreed that both the Antelope Valley plan and the Downtown Master Plan are important to this community, but remember, they have to be executed one parcel at a time. Glen Hillhouse has been forcibly removed from his present location. The city now owns his building. He must move and he must move soon. He has been looking for a long time. In fact, he has been rebuffed by the city relative to potential locations which were within the Antelope Valley plan area at both the southeast and northwest corners of 21st & N. It is incumbent upon the city to do whatever it can to facilitate that relocation. This site is compatible. There are many letters in support, including next door neighbors.

Hunzeker showed photographs of the area and reminded the Commission that the vista is not particularly attractive as it exists today. This use will be an improvement to this area. It is a necessary kind of thing for Mr. Hillhouse to be able to remain in business in and near the downtown.

The building will have a glass overhead door leading into the estimate area; there will be windows all along the K Street side.

Esseks inquired as to the height of the western part of the facility. Hunzeker indicated that it is a 14' wall.

Carroll inquired as to the action by the Nebraska Capitol Environs Commission (NCEC). Hunzeker stated that the NCEC has not reviewed the design of the building; however, the applicant is willing to bind himself to this design or any other design approved by the NCEC, and to additional conditions which may impose some limitations on the use of the property. The NCEC vote was to recommend approval of the change of zone on the east 250' of the site – not the entire half block. The change of zone request is for the entire half block. This site plan is all the applicant is attempting to develop today, and the applicant is comfortable with the recommendation to change the zone on only the east 250', if that's what it takes. The applicant has no option but to go back to the NCEC to get approval of the design before getting a building permit.

Sunderman inquired about the traffic impact of a low rise office use versus the proposed auto body shop use. Depending on the tenant in the office building, Hunzeker believes there could be way more traffic in the office building or about the same amount of traffic. The auto body shop does not generate very much traffic. The proposed building is relatively larger than what Mr. Hillhouse has today, but it is not going to be so large that it is going to generate a lot of traffic. They have eight employees. The applicant does have some concerns about access to the site, but that is not what

they are here about today. The zoning does not resolve the access question. They will still have to work with the Public Works Department on the access issue, but Hunzeker believes the applicant is entitled to some access to K Street. The applicant is willing to work the access issue out with the Public Works Department.

There was no testimony in opposition.

Staff questions

Taylor asked whether staff has any concerns in terms of the traffic and access. Dennis Bartels of Public Works stated that there was a potential site plan submitted with the change of zone application but there is nothing that binds them to that site plan. Bartels indicated that he was just pointing out that at first glance, he would be concerned about two additional driveways on K Street, which is an arterial street. The access should come off the side street. He is not so concerned about the use, but the driveways, because once the driveway is there, the use could change and it is hard to ask that the driveway go away if the use changes. The option is to try to get the access off of the local street as opposed to the arterial street, especially here where it is approaching a signalized intersection. He was not objecting to the land use, but the potential site plan which was not really part of the application.

Taylor inquired whether there are any exceptions in place today as far as access onto an arterial street. Bartels suggested that it usually happens when a piece of property is being redeveloped where there were existing driveways or existing building. Bartels could not say it has never been approved, but when starting fresh, he would like to have the site plan and access designed the way the textbook says it should be designed. It might be a lot safer to keep the access points off of the arterial. Other than philosophically, the applicant did not ask for Public Works' opinion before they prepared the site plan. Public Works only saw an undimensioned site plan that came with the change of zone application. He agreed that Public Works can work with them on redesigning the building to make the access work differently.

Carroll asked for the Planning staff opinion as to restricting the use on the B-3 zoning. Czaplewski stated in the past, the city has not always been interested in doing a conditional zoning agreement.

Carroll inquired whether the site plan meets the setback requirements of B-3 zoning. Czaplewski stated that it would depend on where the zoning changes. If the property is left residential, they will have a 30' setback, so the storage will have to be moved back 30' from the property line. As it is laid out now, with the entire property going to B-3, it does meet the setback.

Marvin Krout, Director of Planning, offered that conditional zoning is something that has been discussed previously. It is something that the Law Departments believes can be done legally, and the staff has talked about putting this tool in the zoning code. However, there has not been a successful conditional zoning that has made it through to approval, but it is something that can be done. We need to deal with redevelopment in the inner city in some manner.

Krout also advised that there are three requests for B-3 zoning coming up on the Planning Commission's March 15th agenda, and there is a need for a tool that allows more discrimination than what is permitted in the B-3 zoning by right so that we can get quality development in older areas. Krout does not want to discourage using it as a tool. Hopefully, there can be something put in the ordinance that makes it more a part of the regular process. In the meantime, he would

suggest that it is probably appropriate to allow other uses than just this particular use. There are other uses in the B-3 district that would be acceptable uses and compatible with the Downtown and Antelope Valley plans. Once you have accepted an auto body shop at this location, it makes you wonder what uses you don't want to see, e.g. vehicle sales lot. Probably this is more attractive than a vehicle sales lot. Krout suggested that the staff could probably work with the applicant to come up with some prohibitive uses, but he believes it appropriate to leave the range of uses.

Esseks wondered about a special use permit. Krout advised that if the B-3 zoning provided that the auto body shop was a special permitted use instead of a conditional use, then yes, you could require a special permit. But, we also do not want to create more special permitted uses. We are trying to reduce those over time and not have individual reviews every time someone wants to change the use. Maybe we need to determine whether we want auto body shops in the B-3.

Esseks would like to invoke the Zucker report. This business needs to relocate quickly. It is unfair to impose any further time restraints. How can we phrase a resolution which would allow these folks to relocate and still allow the flexibility that we don't limit this just to a particular enterprise? Krout suggested that if the Planning Commission directed the staff to meet with the applicant before the City Council hearing and draft a set of conditions (like what was done for the U-Stop/McDonalds, which was denied), the staff could do that. We can count on the NCEC to deal with the architectural issues. The Commission could approve the B-3 zoning with direction to staff to prepare an agreement prior to City Council.

Carlson referred to the Antelope Valley Plan and the Downtown Master Plan. Is the Antelope Valley Plan intended to create new overlay districts – new CUP tools? He is concerned about creating new zoning on the fly. Krout stated that both the Downtown Master Plan and the Antelope Valley Plan do call for special design guidelines and some sort of overlay. On this proposal, the staff has determined that it was the basic incompatibility between the pedestrian oriented user close to Downtown versus this particular use. Krout advised that the staff is working first on developing the Downtown guidelines, and the Antelope Valley guidelines will follow.

Carlson inquired about relocation assistance. What has been done in order to help this applicant search for a new location? Krout advised that they wanted to narrow their search to the immediate Downtown area because of their tradition of being located in the Downtown, and they thought that important to the business.

Response by the Applicant

Hunzeker clarified that to the extent that this change of zone is approved, the applicant would request the change of zone on the east 280' to implement the 30' setback. The applicant would need to meet with staff. The letter submitted with the application offered to discuss this with the staff and to discuss any proposed restrictions on use. That offer was not taken up at that point, but the applicant is still open to doing that. The applicant is willing to agree on a set of conditions that would restrict uses and/or the site plan. Hunzeker believes it is highly likely that they could reach an agreement with Public Works on the access issue. The applicant is very willing to do what is necessary to make this a compatible use within this area. This project will make an improvement to the streetscape along K Street.

Hunzeker reiterated that the change of zone on the east 280' would be acceptable. If the zoning is changed on less than the full block, they pick up a front yard setback that matches the residential

setback, and he thinks they probably already have that. He is comfortable with the idea of not zoning the entire half block and working out an agreement relative to both the uses and the site plan.

ACTION BY PLANNING COMMISSION:

February 15, 2006

Taylor moved approval of the change of zone on the east 280', conditioned upon an agreement being reached between the applicant and staff on the site plan and access issue prior to scheduling on the City Council agenda, seconded by Esseks.

Esseks made a motion to amend to require that the architectural design be approved by the Nebraska Capitol Environs Commission. Taylor agreed to this as a friendly amendment.

Taylor noted that the Commission action on the U-Stop gas station at this location was fairly close, but the primary concern was the traffic, especially the student traffic from Lincoln High to that facility. In comparison, he believes that the traffic for this use is going to be minimal. He likes the site plan as shown. He believes the mitigation to make this look attractive will be accomplished.

Carroll stated that he will vote in favor. It is important to keep a business owner in an area where they desire. The NCEC overlooking the design of the building is a plus for the community, and if the staff and the applicant can work out the site plan problems, he believes it will be a fine establishment and good for the Downtown.

Esseks commented that it is a low rise building, and if we are trying to achieve a truly quality development in an area like the Downtown, conditional zoning may prove to be a necessary tool.

Sunderman believes that the applicant will build a very nice building; but more importantly, the applicant has demonstrated that it will begin nice and will remain that way.

Carlson stated that he agrees with everything that has been said about the applicant and the plans do look workable and attractive. This applicant has been impacted negatively by Antelope Valley so the city has a responsibility to try to provide some accommodation, but Carlson believes that needs to happen through the work of Urban Development and the Mayor's office. He is not comfortable creating a new zoning district to accommodate someone impacted by Antelope Valley. He does not think that should occur in this forum. This is a straight zoning change. The staff has recommended denial and he supports the reasons for that.

Motion for approval of the change of zone on the east 280', conditioned upon an agreement being reached between the applicant and staff on the site plan and access issue prior to scheduling on the City Council agenda, and conditioned upon approval of the architectural design by the Nebraska Capitol Environs Commission, failed 4-1: Esseks, Sunderman, Carroll and Taylor voting 'yes'; Carlson voting 'no'; Krieser, Strand and Larson absent.

Due to insufficient votes for the motion to carry, this application was held over for continued public hearing and action on March 1, 2006.

Members present: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson; Strand and Larson absent.

Staff recommendation: Denial.

Ex Parte Communications: Carlson disclosed that he received a call yesterday and asked the individual to send an e-mail. Krieser disclosed that he received a call from Mark Hunzeker since he was not at the meeting when the public hearing was held.

Additional information submitted for the record: Greg Czaplewski of Planning staff submitted a letter addressed to the applicant from the Health Department indicating that they conducted a site visit at the applicant's existing facility to measure concentrations of airborne auto paint solvents and found them to be well within the acceptable range. The Health Department staff also conducted a site visit at the proposed 21st and K site and have determined that the present exhaust and filtration systems appear to be adequate.

Czaplewski also submitted three letters received in opposition. One of the questions raised was the potential for the convenience store and restaurant previously denied by the Planning Commission and City Council. Czaplewski advised that that change of zone was denied and thus the applicant cannot reapply for a period of one year regardless of the action on this proposal.

Another one of the letters expressed a concern about notification to the Downtown Neighborhood Association. Czaplewski advised that all property owners within 200' of the boundaries of the specific application are notified and a courtesy copy is also sent to the neighborhood district. In this case, the contact on the Planning Department mailing list for the Downtown Neighborhood Association was notified. A notice was also sent to the Downtown Lincoln Association.

Sunderman noted that the letter in opposition from Lisa Kelly refers to Economy and Performance, a business which was also displaced by Antelope Valley and which found another location downtown. Czaplewski was not familiar with that business. Carlson believes that business moved from 19th and Q to 16th and O because they were being displaced, and there was additional concern that they might be displaced again.

Esseks noted that the letter in opposition from D.E. Burdic questioned why Mr. Hillhouse was not allowed to relocate to the Williamson property. Czaplewski did not have an answer. He was not familiar with that location; however, he noted that it is in the floodplain.

Proponents

1. Peter Katt appeared on behalf of the applicant in Mark Hunzeker's absence. He pointed out that there have been no odor complaints from the existing facility. The Health Department has tested the equipment and it was found to be well within all Health Department guidelines.

Katt clarified testimony from the last meeting with regard to the height of the building. The height of the roof will be 14 feet; however, the peaked portions of the roof will be at 18 feet.

Katt went on to state that this application is about finding a location downtown for a business that is

being displaced by the Antelope Valley project. The applicant wants to remain downtown. The applicant has investigated a lot of other properties. The city would not allow him to locate on the Williamson property. Katt then showed a rendering of the building elevations. The building and facility will be architecturally compatible with the Capitol Environs District. Katt also pointed out that the Downtown Master Plan and the Antelope Valley Plan show this area as mixed use commercial. Based on what is currently existing in the neighborhood, Katt believes this proposal would be a significant improvement.

There was no testimony in opposition.

Staff questions

Carroll sought to clarify the setback issue if the entire area is rezoned or just the east 280 feet. Czaplewski explained that if the zoning is changed only on the part of the property that will be used for this purpose, the applicant would have to meet some setback requirements. If the change of zone is approved for the entire half block, the setbacks are not an issue.

Carroll also sought clarification of the access issue. There was discussion at the last meeting about using a right-turn in only, and not allowing employee parking in and out onto K Street. Czaplewski stated that Public Works has indicated they would not allow either of the access points on K Street that are shown on this site plan. They would require all access to come off 21st Street to the alley. The access issues would be addressed through the building permit process. The Health Department did suggest a use limitation if there was a conditional zoning agreement. The staff is not proposing such an agreement and the applicant has not proposed any language.

Esseks inquired whether the staff has made any progress in the last two weeks toward a development and conditional zoning framework for this application. Czaplewski stated that nothing has been drafted. Esseks would like some guidance.

Esseks inquired whether Mr. Hillhouse could agree to only changing the zone on the east 280' and an agreement. The motion made at the previous meeting was read into the record and Mr. Hillhouse indicated that he could accept that framework.

ACTION BY PLANNING COMMISSION:

March 1, 2006

Taylor moved approval of the same motion for approval as made at the meeting held February 15, 2006:

Approval of the change of zone on the east 280', conditioned upon an agreement being reached between the applicant and staff on the site plan and access issue prior to scheduling on the City Council agenda, and conditioned upon approval of the architectural design by the Nebraska Capitol Environs Commission.

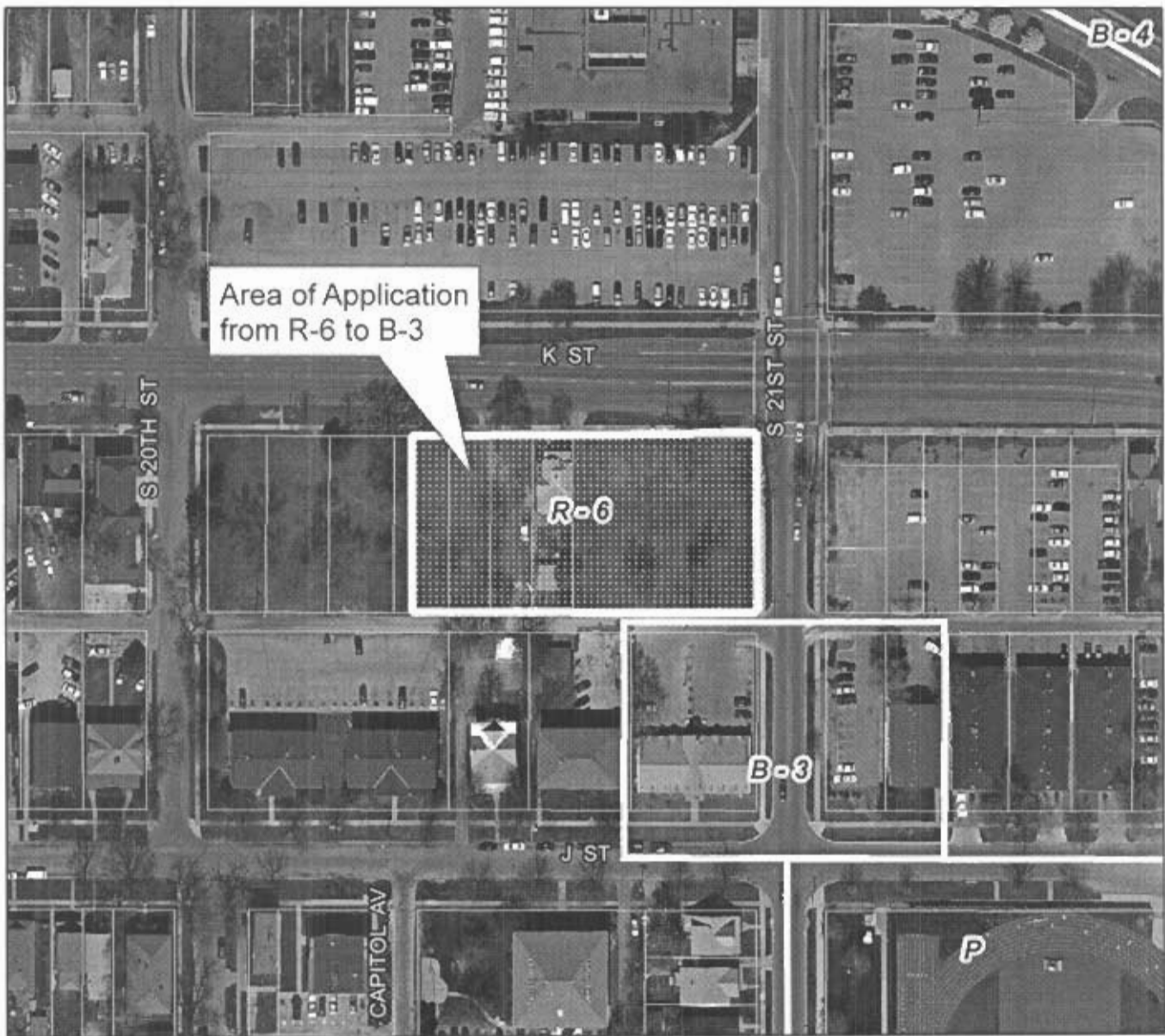
seconded by Esseks.

Carroll commented that it is important for the Capitol Environs Commission to review the site plan and the building, and we are relying upon them to make it compatible along K Street. He

knows that the Capitol Environs Commission will protect that site and the environs around the Capitol.

Carlson pointed out that all that is before the Commission is a straight change of zone. We have tried to put conditions on the zone change, but that is something new. It is the Commission's role to render an opinion on the suitability of the change of zone. As far as use restrictions, we have not done anything. He respects the business and Mr. Hillhouse, but he agrees with the staff that as far as an entryway, the Capitol environs, Downtown and Antelope Valley, it is not a good fit for this location.

Motion carried 5-1: Krieser, Carroll, Sunderman, Esseks and Taylor voting 'yes'; Carlson voting 'no'; Strand and Larson absent. This is a recommendation to the City Council.



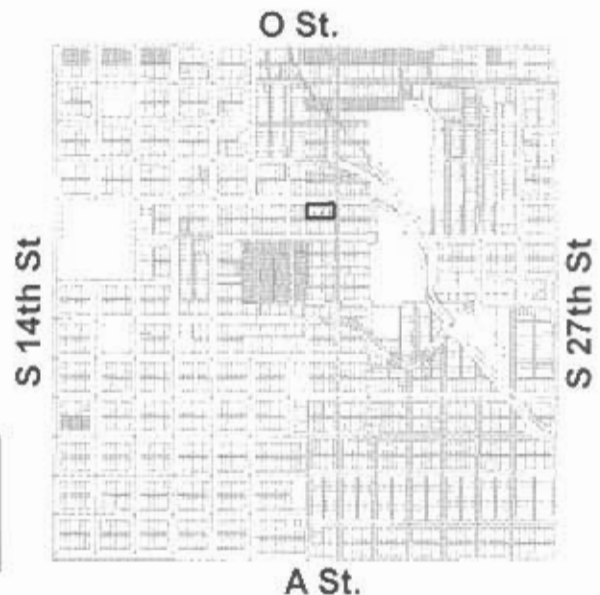
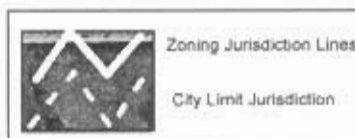
As Recommended by Planning Commission 3/1/06
Change of Zone #05082
S 21st & K St

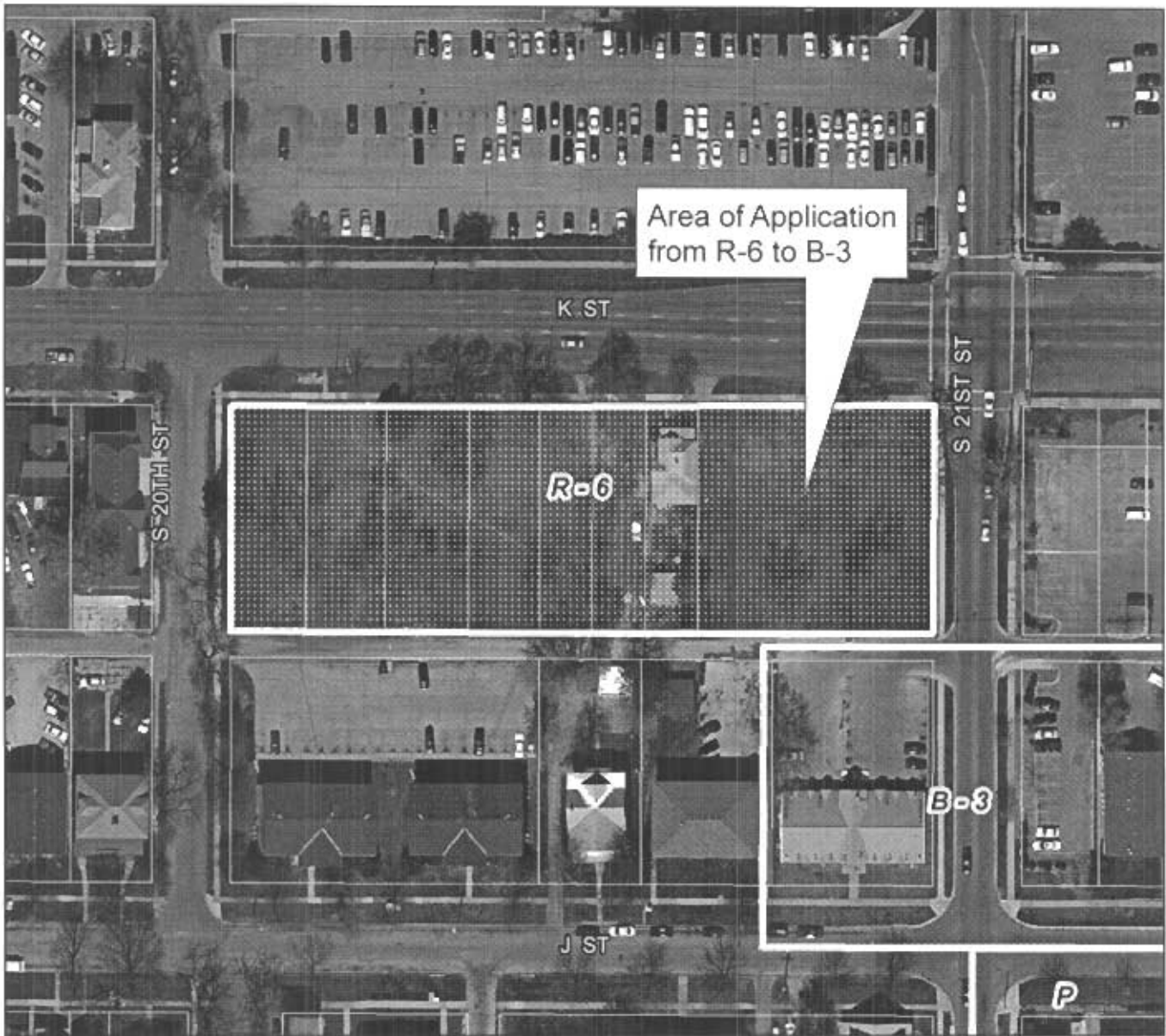
2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 25 T10N R06E





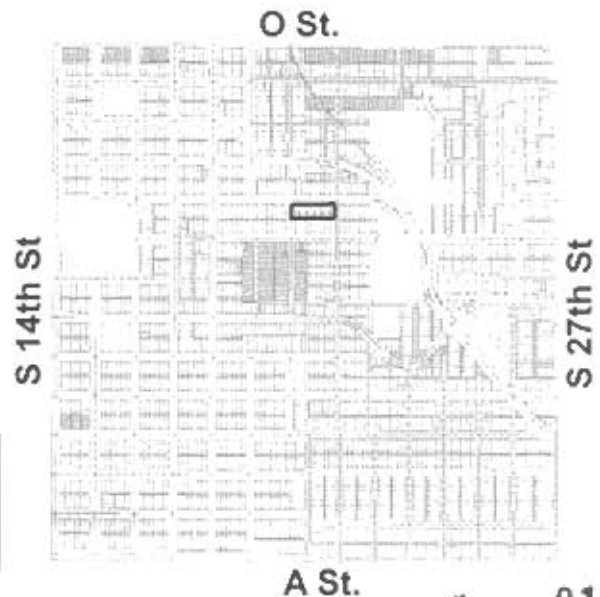
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Change of Zone #05082 S 21st & K St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 25 T10N R06E



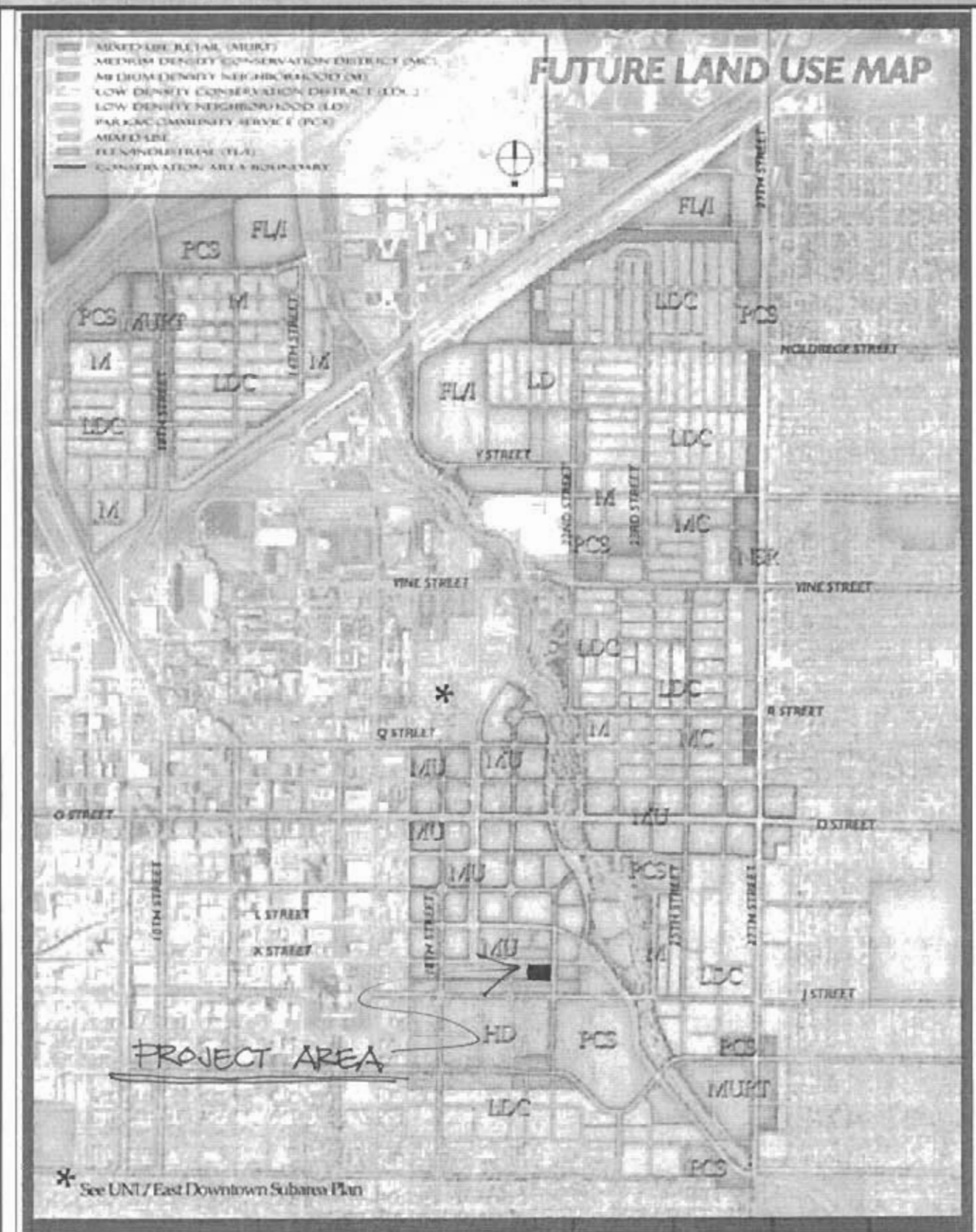


Figure 18

2. *MU - Mixed-Use:* The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. Within this wider area, certain subdistricts should be encouraged through incentives and regulations. Residential uses are encouraged throughout the MU area to capitalize on public investment and to provide a variety of housing options near the downtown core. In particular, high-density, high-amenity urban residential uses are very desirable between 17th St. and the new Antelope Creek and park. Improvements in the "triangle" bounded by 19th St., the Creek, and O Street should be strongly encouraged to foster development of an "urban village"-Haymarket without the history. South of O St. and east of 17th St. there is an opportunity to strengthen housing in proximity to the Capitol and other employment centers.

In the area west of the Antelope Valley Parkway, north of "O" Street and adjacent to the University, office, research, and residential uses are all appropriate in separate structures or Mixed-Use buildings. This land use pattern would allow for the new research and development office opportunities, while providing for unique residential infill to screen parking. This area north of "O" Street is currently out of the floodplain.

The area along "K" and "L" Streets between S. 17th and S. 22nd Streets is a key entry corridor to and from downtown. In this area the mix of uses is



Figure 19 - MUR (Mixed Use Residential)

intended to provide additional diversity in office and residential products to traditional Downtown. The proximity of these blocks with the State Capitol provides the impetus for government and statewide association facilities.

Another noteworthy Mixed-Use area is along the west side of the waterway south of "O" Street. This land benefits by proximity to open space and the Creek and from the possibility of assembling some larger tracts than in traditional downtown. This area offers opportunities for high-quality office, residential, or mixed-use development.

The Mixed-Use designation along "O" Street is intended to provide an attractive entry corridor to and from downtown as well as a central neighborhood amenity within the Antelope Valley Area. Due to the amount of traffic within the corridor, auto oriented land uses are predominant and will likely continue. Public streetscape improvements can upgrade the appearance of the area and should be matched by higher design standards for private improvements, including building materials, locations, and landscaping. Emphasis should be given to maintain an attractive "edge" to the corridor of building and/or landscaping. Residential projects that front on P, N, or the north-south streets should be encouraged. Non-auto-oriented retailing more appropriate to the heart of downtown should not be encouraged.

Along P and N Streets there should be a greater emphasis on public and private improvements to foster a lively pedestrian environment and to provide an appropriate transition to the adjacent residential neighborhoods.



Figure 19 - MU (Mixed Use)



Land Use Framework

The Land Use Framework designates recommended land uses for downtown Lincoln parcels, identifying a total of some 15 different uses in downtown.

A Mix of Uses

The framework encourages mixed use development wherever feasible. Mixed-use buildings with housing on upper floors support the retail uses on their ground floors, and benefit from nearby transit services.

When parcels contain a vertical mix of uses, the color shown on the Land Use Framework typically indicates the predominant or most important ground floor use; or in some cases, as with parking structures or housing, the predominant use can be the upper

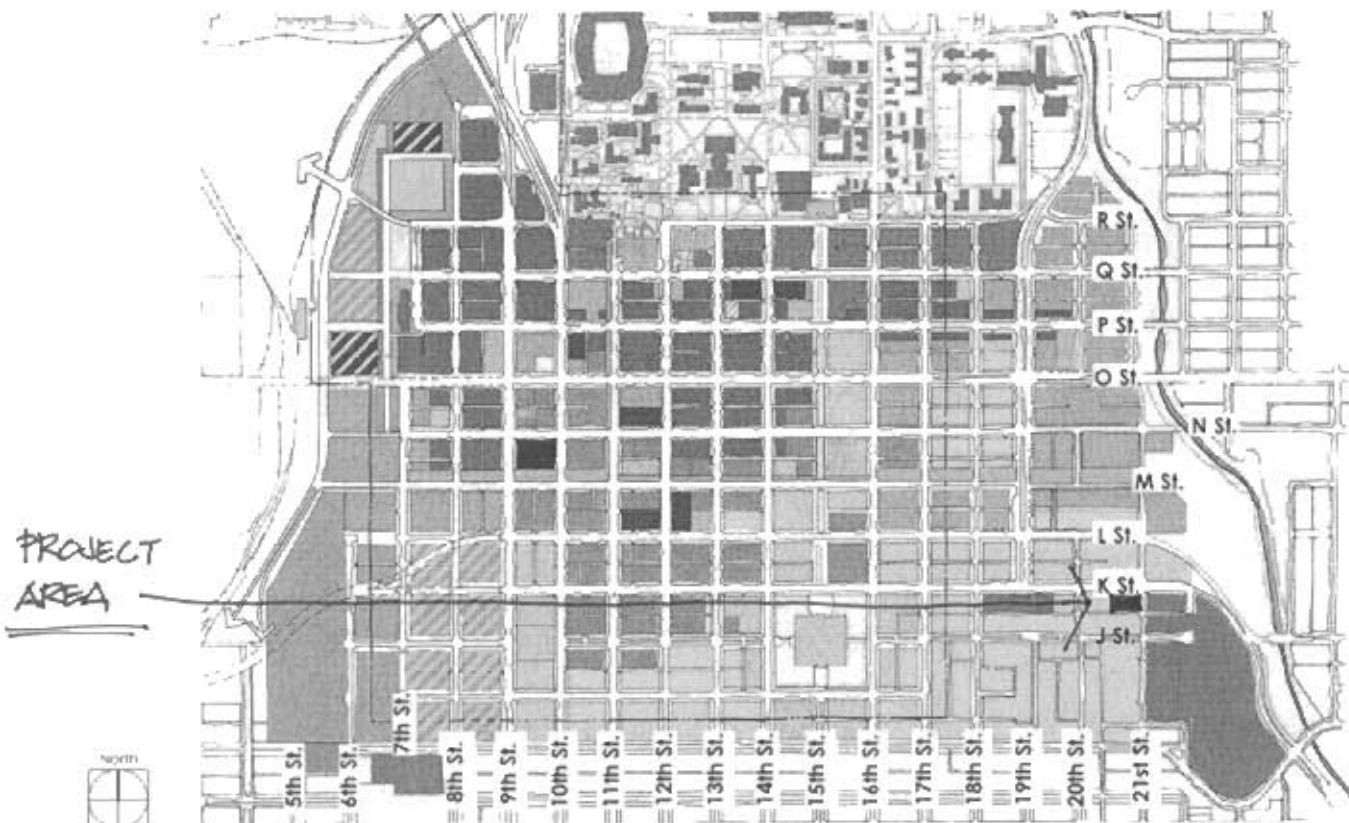
floors which make up the bulk of the building, even when ground floor uses differ.

These land uses are separated into individual frameworks and described in the pages that follow.

Land Use Framework Key

- Retail
- Marketplace
- Restaurant/Entertainment
- Office
- Government
- Low Rise Office
- High Density Residential
- Medium Density Residential
- Education
- Arts/Cultural
- Civic/Convention/Arena/Conference
- Festival/Event Spaces
- Civic Square
- New Parks and Open Space
- Existing Parks and Open Space
- Parking Structure

(Colors indicate predominate land use as described in text above.)



Land Use Framework

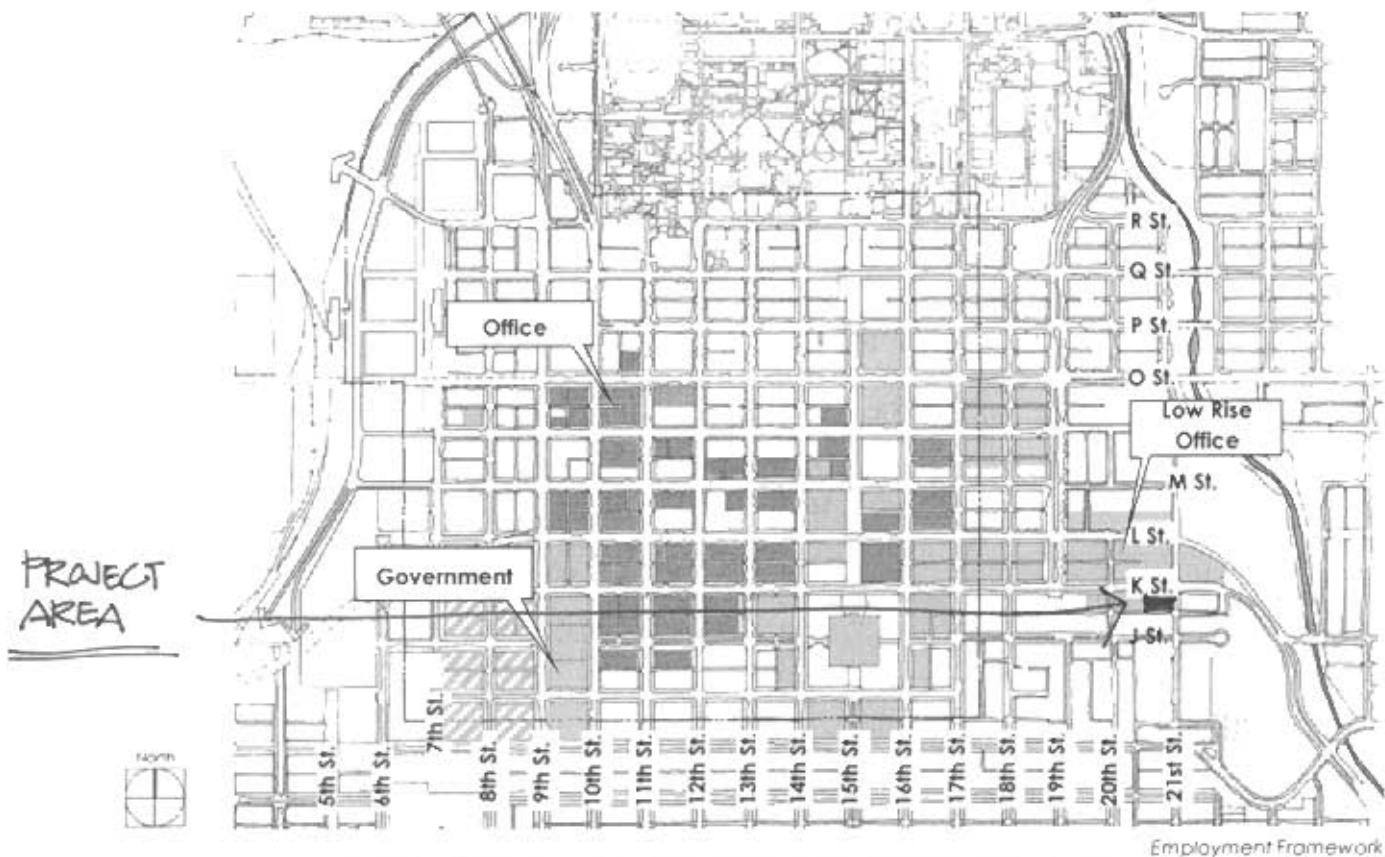
Employment Framework

The Employment Framework provides new office development sites with floor plate sizes and configurations to attract "Class A" tenants

The framework easily accommodates projected demand for an additional 2.3 million square feet of office space in downtown by 2025, and builds on Lincoln's financial, government, institutional and education-related uses and districts

The framework provides:

- **Easy walking distance to services** – transit as well as retail and business services within quarter-mile of offices
- **Parking** – sufficient, convenient spaces
- **Nontraditional live-work job opportunities** – within renovated or new mixed-use buildings



Downtown/Antelope Valley Framework

A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln.

Compatible Land Uses

The adopted Antelope Valley redevelopment plan maps the area between 17th Street and the new Antelope Creek channel/ park as serving a generalized "Mixed Use," but describes more specific concepts in the text. The Downtown Master Plan incorporates these more specific uses with some further detail.

Residential Mixed Use

The predominant land use emphasis in the area of Antelope Valley on the east side of downtown should be residential. The area provides great

opportunities for a variety of housing types unique in Lincoln and supportive of both their adjacent residential neighborhoods and of downtown.

The downtown master plan suggests that higher residential densities may occur between R and M Streets.

Along O and P Streets, residences might occupy upper floors above commercial uses at street-level.

A mix of residential and office/research uses are encouraged where Antelope Valley abuts the University's research facilities, especially between 17th & 19th Streets from O to R Streets.

The "entry corridor" of Capitol Parkway along K and L Streets is appropriate for both residential uses and low-rise office buildings.

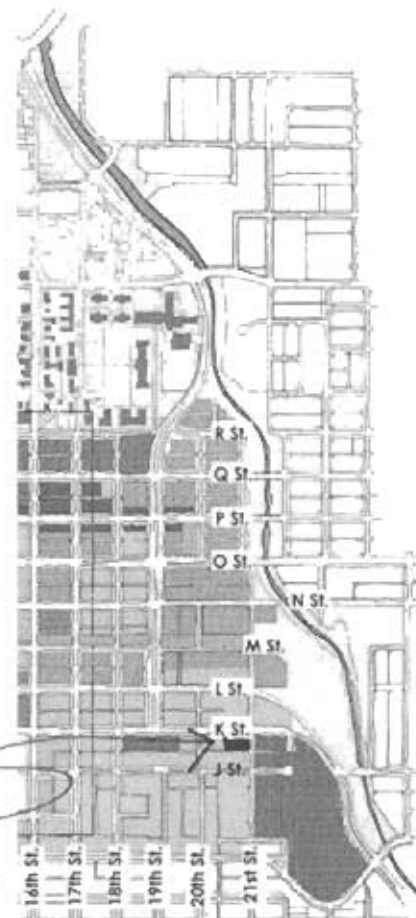
Parking Opportunities

Both Downtown and Antelope Valley will benefit by continued study and coordinated planning of city, private, and university parking facilities.

Legend:

- Retail
- Marketplace
- Restaurant/Entertainment
- Office
- Government
- Low Rise Office
- High Density Residential
- Medium Density Residential
- Education
- Arts/Cultural
- Civic/Convention/Arena/Conference
- Festival/Event Spaces
- Civic Square
- New Parks and Open Space
- Existing Parks and Open Space
- Parking Structure

PROJECT AREA



MEETING RECORD

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, January 26, 2006, 8:00 a.m., Room 206, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS IN ATTENDANCE: **Members:** Jim Hewitt, V.J. Nelson, Jeff Searcy and Kim Todd. Karen Kilgarin, Tom Laging and Patrick O'Donnell absent.

Others: Mark Hunzeker (Pierson Fitchett Law Firm); Glenn Hillhouse (Glenn's Body Shop); Jon Carlson (Near South Neighborhood Assoc.); Lynn Johnson and Jerry Shorney (Parks and Recreation); Bob Ripley (Capitol Administration); Ed Zimmer and Michele Abendroth (Planning Department).

STATED PURPOSE OF MEETING: Regular Meeting of the Nebraska Capitol Environs Commission

Chair Searcy called the meeting to order at 8:02 a.m.

Approval of meeting notes of November 10, 2005

Hewitt moved approval of the November 10, 2005 meeting notes, seconded by Nelson. Motion carried 4-0. Hewitt, Nelson, Searcy and Todd voting 'yes'; Kilgarin, Laging and O'Donnell absent.

Recommendation on Change of Zone #05082, 21st and K Streets, R-6 to B-3

Mark Hunzeker stated that Glenn Hillhouse has operated an automobile repair facility at 21st and P Streets for many years. His business will need to relocate as it is in the path of the Antelope Valley project. The City has purchased the property. Hillhouse has acquired the lots at 21st and K Streets from Alltel to relocate his business. They are applying for a change of zone from R-6 to B-3 on this property. The B-3 district provides for a wide range of uses from residential to business. This is a conditional use in the B-3 district. This is a business that has been in downtown for a very long time and would like to stay and re-invest in this area. There are three different plans that show three different uses for this area. They feel the mixed use designation is most sensible for this area. The area surrounding this site is not particularly attractive, and they feel the proposed building will enhance the area. He feels that when the City displaces a business like this, there is some obligation to accommodate its relocation in a manner that is compatible with its surroundings. There is some discussion in the staff report that this is an entryway to downtown. They agree that is true on the L Street side, but they are on the exit side of downtown and on the fringe of the downtown. They feel this use is a good one in downtown, particularly on the edge of downtown.

Hillhouse then provided a drawing of the proposed building. He stated that the building is quite beautiful. One of the biggest problems with auto repair shops is the appearance of overhead doors. He has limited the amount of doors on the K Street side. The incoming and exiting of the vehicles will be to the rear in the alley. They will not be backing out onto K Street at all. The building is a single-story stucco building with sufficient landscaping. He feels it would enhance the area.

Hunzeker noted that the purpose of today's meeting is for the change of zone, and if they are successful with that, they will come back at a later date for comments on the building design.

Nelson asked about the noise concern. Hillhouse commented that because of the way cars are

manufactured today and the costs of repair versus replacement, noise issues are not a concern. Hunzeker added that there are stringent standards to uphold in the noise ordinance.

Todd asked if the building uses the entire site. Hunzeker stated that the building takes about half the site, and the other half will be developed in the future for uses consistent with the zoning district.

Zimmer stated that the Commission's responsibility on this is making an advisory comment to the Planning Commission and City Council.

Ripley stated he is always concerned when good businesses are displaced, but he has a concern with this particular location. He also has a concern with the proximity to Lincoln High School. His concern for this proposal is not a rejection of keeping businesses in downtown.

Hunzeker reiterated that this proposed use is a definite improvement of the appearance of this area.

Searcy commended Hillhouse on the aesthetic appearance of the building. He then asked about the process. Zimmer stated that the change of zone will go to Planning Commission and then City Council. If this is approved, the design standards and site layout would come to the Capitol Environs Commission for a Certificate of Appropriateness.

Searcy also noted that he would be interested in knowing the plans for the other half of the area.

Ripley cautioned the Commission members to keep in mind that this will set a precedent, and we need to keep a clear focus on what we want ultimately. He feels Planning's recommendation is correct and consistent with past recommendations of the Commission and long-range planning.

Searcy asked about the timeline of the relocation process. Hillhouse stated that his lease with the City is up April 1st. He noted that he has made offers or checked into many other locations, but has been unsuccessful in obtaining another property due to various reasons. So the urgency is past critical.

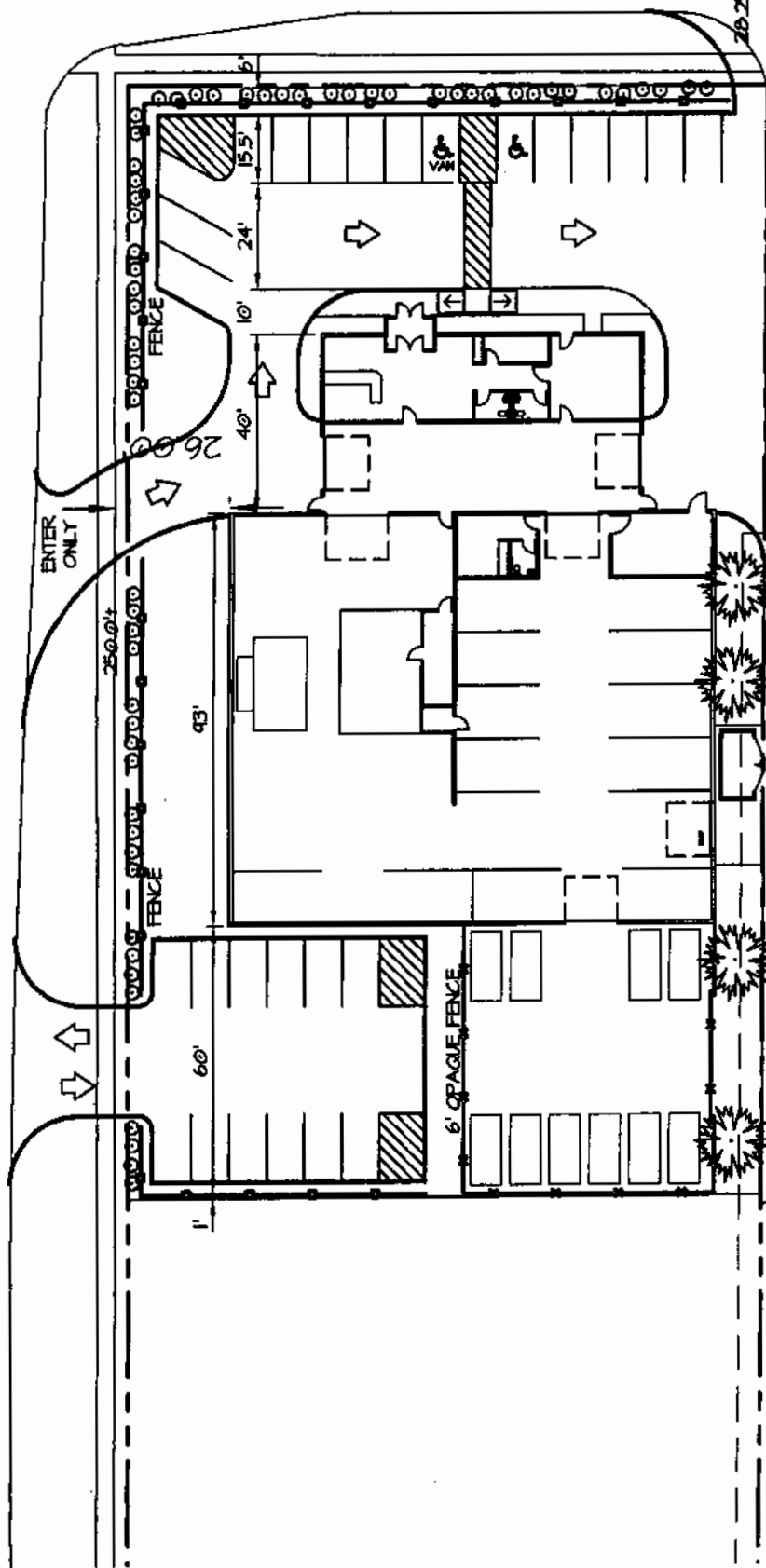
Todd asked if there is another zoning district between R-6 and B-3 that would accommodate this. Zimmer stated that it would be worth exploring this option. However, this change of zone will go to Planning Commission prior to the next Capitol Environ Commission's next meeting. He suggested that the Commission make some type of recommendation to the Planning Commission.

Hewitt commented that the Commission's responsibility is to evaluate this proposal's impact on the Capitol.

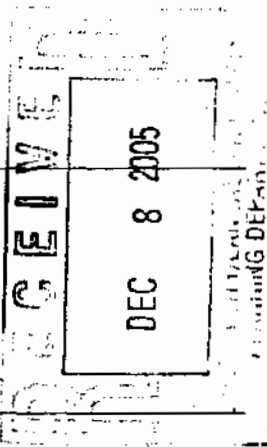
Hewitt moved to recommend the change of zone from R-6 to B-3 for the east half of the property and to explore other more restrictive districts that would allow this use, seconded by Nelson. Motion carried 4-0. Hewitt, Nelson, Searcy and Todd voting 'yes'; Kilgarin, Laging and O'Donnell absent.

K STREET

21ST STREET



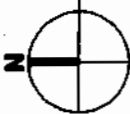
16' ALLEY



PERSHING SQUARE
1609 N. STREET
LINCOLN, NEBRASKA 68508
voice: 402/474-3000
fax: 402/474-4045
desassoc@nebbraska.com

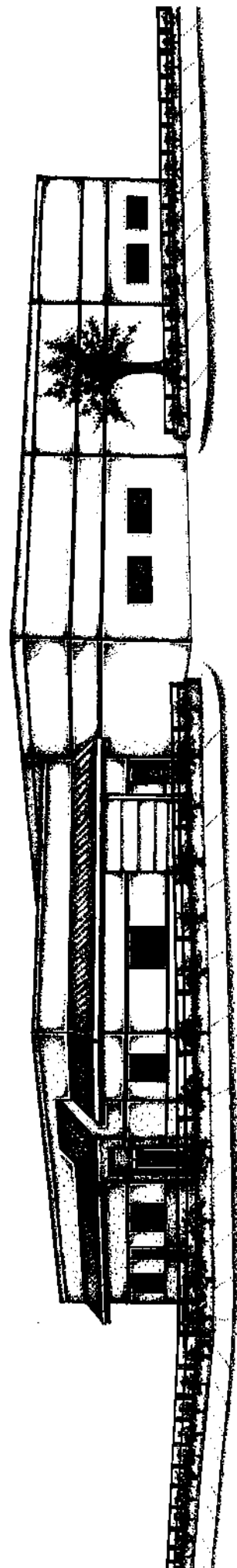


HILLHOUSE



SCALE 1" = 40'

FILED
1945 - 8 2025
THE STATE OF TEXAS COUNTY OF DALLAS



K STREET

2157 ST

Pierson|Fitchett
LAW FIRM

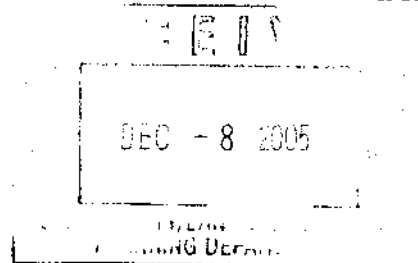
1045 Lincoln Mall
Suite 200
P.O. Box 95109
Lincoln, NE 68509
(402) 476-7621
fax (402) 476-7465
www.pierson-law.com

Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Randy R. Ewing
Shanna L. Cole
Jason L. Scott

December 8, 2005

Gary L. Aksamit
of Counsel

Marvin Krout
Director of Planning
555 S. 10th Street
Lincoln, NE 68508



Re: Change of Zone from R-6 to B-3
(South side of K Street, 20th to 21st)

Dear Marvin:

Enclosed herewith is a Change of Zone application from R-6 to B-3 for property along the south side of "K" Street between 20th and 21st. The application is made on behalf of Sierra Investments, LLC (Glenn Hillhouse).

As you may know, Mr. Hillhouse has operated an auto body repair business, Glenn's CarStar Body Shop, at 2121 "P" Street for many years. His property has been condemned by the City of Lincoln because it lies within the proposed channel of the Antelope Valley project. He is still operating his business on the property, but has been told that the City would like for him to move as soon as possible.

To that end, Mr. Hillhouse has attempted to purchase two other sites for his business, but was rebuffed by the City due to the City's plans for Antelope Valley redevelopment. Mr. Hillhouse approached the City about the Williamson Oldsmobile building, but was told that rather than permit a business such as his to locate there, the intent was for that building to be torn down and redeveloped as office space. The Williamson Honda building and attached auto body repair facility was refused for similar reasons.

Mr. Hillhouse would like very much to build a first-class facility on the property which is the subject of this change of zone. Enclosed is a rendering of the proposed building he intends to build. It is all stucco. The facility is designed for easy access, for concealment of all vehicles being held for repair, and for state-of-the-art repair and paint services. The B-3 district allows the use as a conditional use. Mr. Hillhouse is willing to comply not only with the conditions of the ordinance, but would be willing to enter into a conditional zoning agreement.. He is willing to be bound to the design of the building, the site plan, landscape plan and some restriction on uses.

Marvin Krout
December 8, 2005
Page 2

Please give me a call if you have any questions. Mr. Hillhouse and I would be pleased to meet with you to discuss this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Hunzeker". The signature is fluid and cursive, with a large, stylized "H".

Mark A. Hunzeker
For the Firm

MAH:la
Enclosure

(G:\WPData\MH\Hillhouse 5312.002\Krout 12-8-5.wpd)



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

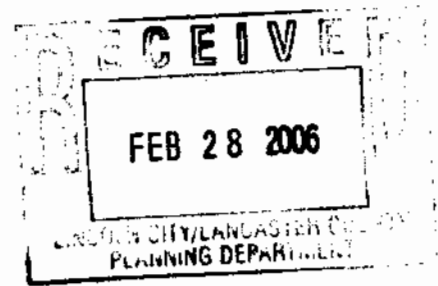
Lincoln-Lancaster County
Health Department
Bruce D. Dart, Ph.D., Health Director
3140 "N" Street
Lincoln, Nebraska 68510-1514
402-441-8000
TDD: 402-441-6284
fax: 402-441-8323
health@lincoln.ne.gov



LANCASTER

February 28, 2006

Mr. Glenn Hillhouse
Glenn's CARSTAR Body Shop
2121 P Street
Lincoln, Nebraska 68503



Mr. Hillhouse,

The Air Quality Section of the Lincoln-Lancaster County Health Department has reviewed the operation of your paint booth to determine the potential impacts of air emissions on nearby residences. It is our understanding that this equipment will be moved to another location that is near residential housing. It is noted that there is no record of any complaints regarding odor from your current location. Following is a summary of our site visit on 2-23-06. Concentrations of airborne auto paint solvent were evaluated at the following locations in and outside of the Glenn's Body Shop building located at 2121 P Street.

1. **indoors in the main shop adjacent to paint booth**, solvents, specifically MEK and MIBK, which are typically found in top coats and clear coat auto paints were noticeable by odor, and airborne concentrations using a photo-ionization detector(PID) were 10-15 ppm. This is not considered elevated with respect to occupation exposures which are 200 ppm for MEK and 50 ppm for MIBK.
2. **outdoor readings were taken on the roof**, 1 ft. and 10 ft. downwind of the paint booth exhaust and were respectively 33-40 ppm at 1 ft. and 1-5 ppm at 10 feet from the exhaust. Wind was from the southeast at about 5 mph during the test (2:30 PM), solvent odors were noticeable as well.
3. **outdoor readings were taken at the front sidewalk**, northwest corner of the building which is approximately 75 feet downwind from the rooftop exhaust stack. Solvent odor was slightly noticeable. Odor was transient. Instrument readings were zero or below the 1 ppm detection limit of the machine.

Literature reports on the odor threshold for various solvents used in auto paints range from several hundred ppb to 10-20 ppm. The detection by smell is highly variable and dependent on the individuals own nasal receptor sensitivity.

We also looked at the proposed site for the new shop and concluded that the present exhaust and filtration system seems to be adequate to prevent

any offsite nuisance odor issues resulting from solvent odor. On occasion, off-site solvent odor may be detectable for brief periods of time depending on weather conditions and the sensitivity of individuals in the surrounding population. One person may smell solvents in the ppb range but most will not notice the solvents until airborne concentrations reach at least the low ppm range(1-10 ppm).

Submitted by:

Mike Holmquist

Senior Environmental Health Specialist

and

Rick Thorson

Environmental Health Supervisor

February 27, 2006

January 28, 2006

City of Lincoln
Planning and Zoning Department
555 South 10th Suite 213
Lincoln, NE 68508
CZ 05082

To Whom It May Concern:

My name is Corey H. Strombeck. I am submitting this letter to you on behalf of my friend Glenn Hillhouse concerning the zoning of the property purchased by him at 21st and K streets.

Glenn has been a very generous person to me since I met his son Allan in 1978 while attending Holmes Elementary. To me, they are lifelong friendships that I value to this day.

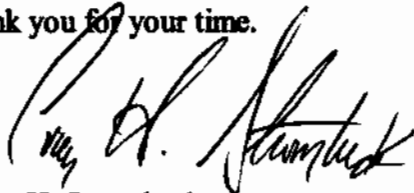
Glenn has reached the top of his profession and has been involved in his trade by serving on the Nebraska Autobody Association and once elected President of the Association.

Glenn has served his community by being very instrumental in the Capital Beach dredging project by volunteering his time and resources.

Therefore, I am asking the committee to recommend change of zone in favor of Glenn Hillhouse.

Should you have any questions or concerns, feel free to contact me.

Thank you for your time.



Corey H. Strombeck
12739 Horse Creek Road
Rapid City, SD 57702
605.574.2625
ironation@hotmail.com

JAN 30 2006

January 30, 2006

Planning Department
555 South 10th St., Suite #213
Lincoln, NE 68508

RE: CZ #05082
Glenn's Body Shop

To Whom It May Concern:

I am writing this letter to request that you consider changing the zoning restrictions on the property located at 21st & K Streets in favor of Glenn Hillhouse.

Even though I have not lived in Lincoln for a number of years, I was born there and lived in Lincoln for 35 years before moving to Arizona. I still consider Lincoln to be my home, have numerous family and friends who I still visit and want, as much as any local resident, to see the community prosper and grow in the most economically feasible way. I believe by changing the zoning restrictions on the above mentioned property so that Glenn Hillhouse can build his business, this will be accomplished.

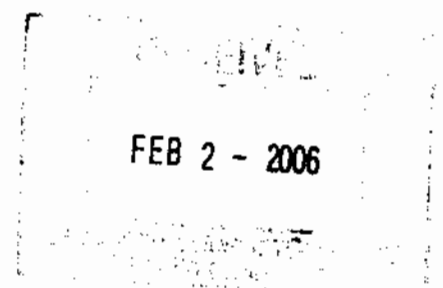
I met Glenn Hillhouse through a friend in the 1970's. Through the years, I have been impressed with Glenn's integrity, honesty, high ethical standards and his outstanding contributions to the community.

I sincerely recommend that you allow Glenn Hillhouse to continue providing Lincoln with the type of business of which they can be proud.

Sincerely,

Rita E. Call

Rita E. Call
3413 N. Evergreen
Chandler, AZ 85225
(480) 820-5158



January 30, 2006

**City of Lincoln
Planning and Zoning Department
555 South 10th Suite 213
Lincoln, NE 68508
CZ 05082**

To Whom It May Concern:

I have known the Glenn Hillhouse family for 36 years. They have owned and operated a successful business in Lincoln for several decades. They have done work for us that was always done perfectly. They have befriended our sons, which is much appreciated to this day. Having been a business man in Lincoln for 14 years, I had first hand knowledge of their reputation, skills and our friendship continues.

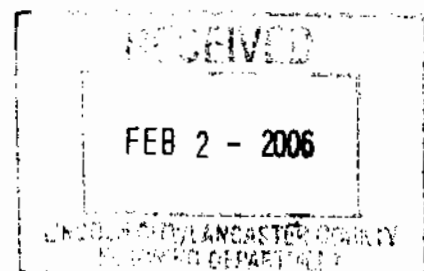
Their body shop was always neat and clean. The effort to keep the grounds and their yards neat was always obvious. In my opinion, this is very important. I am asking the committee to recommend a change of zoning in favor of Glenn Hillhouse and his family business.

Regards,



**Perry L. Strombeck
12739 Horse Creek Road
Rapid City, SD 57702**

Phone: 605-574-2625



January 31, 2006

Planning Department
555 South 10th St., Suite #213
Lincoln, NE 68508

RE: CZ #05082
Glenn's Body Shop

To Whom It May Concern:

Please consider changing the zoning restrictions on the property located at 21st & K Streets in favor of Glenn Hillhouse.

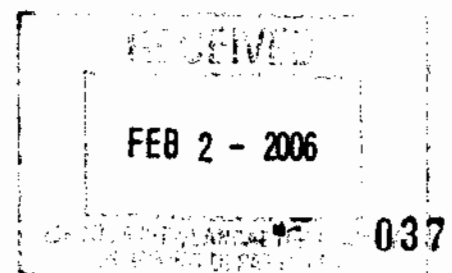
My daughter-in-law worked for Glenn for nearly 30 years. Glenn is a man of great integrity and runs his business with very high ethical standards. On a personal level, Glenn is a very kind and generous man. He would do anything to help his friends and community when in need.

I trust Glenn and his staff to repair my vehicle and would not take it anywhere else. As you can imagine, Glenn has repaired my vehicle a number of times over the past 30 years. His staff is friendly, caring and informative. Glenn's Body Shop is a great asset to our community. Lincoln should be proud to have their presence.

Lincoln needs more businesses like Glenn's Body Shop. Please consider changing the zoning restrictions on the property located at 21st and K in favor of Glenn Hillhouse. Thank you for your consideration.

Sincerely,

Eula M. Schidler
Eula Schidler
6411 Holdrege
Lincoln, NE 68505
(402) 464-4947



City of Lincoln Planning Department
555 South 10th Street Suite 213
Lincoln, Nebraska 68508

Dear Sirs,

I am writing to ask for your favorable support of the zoning request for property on 21st Street on the south side of K Street. Glenn Hillhouse and Glenn's Body Shop have been forced by the City of Lincoln to relocate their current operations at their long held location at 21st and P Street, due to the Antelope Creek project. . They are seeking to rebuild at 21st and K Street as a result of this relocation mandate.

Traditions of integrity, professionalism, courteousness and convenience have been integral to this family owned business since its creation over 40 years ago. In its new location, this business will continue its high standards for an aesthetic, professional appearance that will benefit the neighborhood. I understand they have extensive plans for an attractive building and landscaping for their new location at 21st and K Street. This business will truly be an asset to the neighborhood.

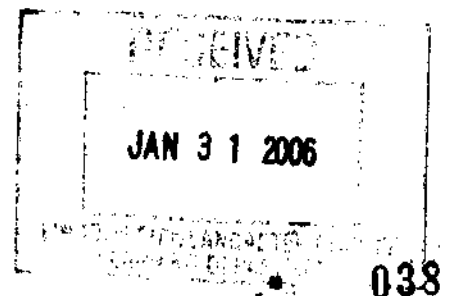
Transportation support services of this kind are a necessity for car owners and placement of this business near downtown will be a valued convenience for citizens working and living in and near downtown Lincoln. Loyal customers of Glenn's will find it convenient to come to this address near downtown.

Please support this zoning change and make downtown Lincoln a better place to work and live!

Sincerely,



Wendy Rich
3030 Pointe Circle
Lincoln, NE 68506
402-488-4741



City of Lincoln Planning Department
555 South 10th Street Suite 213
Lincoln, Nebraska 68508

Dear Sirs,

I am writing to ask for your favorable support of the zoning request for property on 21st Street on the south side of K Street. Glenn Hillhouse and Glenn's Body Shop have been forced by the City of Lincoln to relocate their current operations at their long held location at 21st and P Street, due to the Antelope Creek project. . They are seeking to rebuild at 21st and K Street as a result of this relocation mandate.

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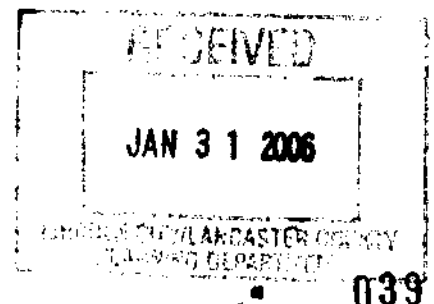
Transportation support services of this kind are a necessity for car owners and placement of this business near downtown will be a valued convenience for citizens working and living in and near downtown Lincoln. Loyal customers of Glenn's will find it convenient to come to this address near downtown.

Please support this zoning change and make downtown Lincoln a better place to work and live!

Sincerely,

Darin Rich

Darin Rich
3030 Pointe Circle
Lincoln, NE 68506
402-488-4741



Harvey Schwartz

601 Pier 2
Lincoln, NE 68528

Lincoln/Lancaster County Planning Department
555 South 10th Street #213
Lincoln, NE 68508

Re: CZ #05082

This is being written in support of Change of Zone request #05082 for Glenn Hillhouse for property located at 21st and K Streets.

Mr. Hillhouse has been a productive business owner in the proximity of downtown Lincoln for several decades. His current business site was acquired by the City for the Antelope Valley Project and he, therefore, must relocate.

Building on his strong desire to remain near the downtown area, he has, after protracted negotiations, acquired land at the 21st & K Street location. His large customer base depends on a location in the same vicinity as has been through the years.

He is a productive, high quality, ethical businessman who devotes a great deal of personal time to the betterment of his neighborhood and community.

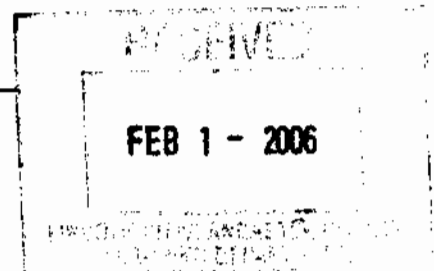
Above all, his integrity and professionalism are demonstrated by winning numerous national honors for excellence in quality, service, and customer relations. He has always maintained a nearly immaculate work area and property and takes pride in his environs. I have been a long time customer and have always felt confident when using his services that the job would be completed accurately, on time, and with the highest possible level of quality.

I am convinced that this relocation would be an asset to the new area and present a clean, modern, environmentally friendly business.

I urge you to recommend approval of Change of Zone #05082. Please feel free to contact me at any time (402 432-0910).

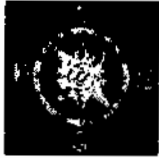
Sincerely,


Harvey Schwartz



040

1/30/06



Professional Safety Consulting, Inc.

221 Victory Lane, Suite 100; Lincoln, NE 68528 Phone (402) 474-3323; Fax (402) 474-3318

January 31, 2006

Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

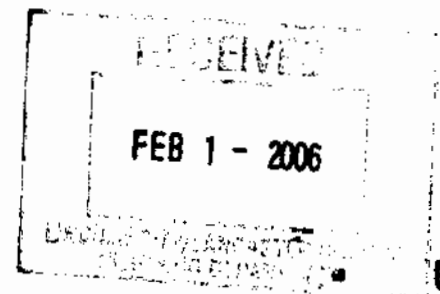
Re: CZ #05082

I have known Glenn Hillhouse for many years and I know that he operates an honest and reputable business that is an asset to the community. It is necessary for Glenn to move his business to a location that needs a zone change and I strongly recommend that necessary change in zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "John Schunk, Sr." with a stylized flourish at the end.

John Schunk, Sr., President
Professional Safety Consulting, Inc.



From the Desk of...
Amy K. Aldana
1021 Scenic Lane
Lincoln, NE 68505

January 31, 2006

Planning Department
555 South 10th, Suite 213
Lincoln, NE 68508

Re: CZ#05082
Glenn Hillhouse

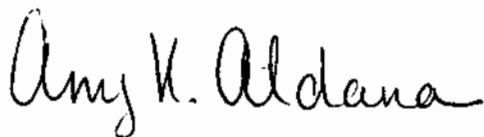
Dear Sir or Madam,

I am asking that you please recommend a change of zone in favor of Glenn Hillhouse and Glenn's Body Shop.

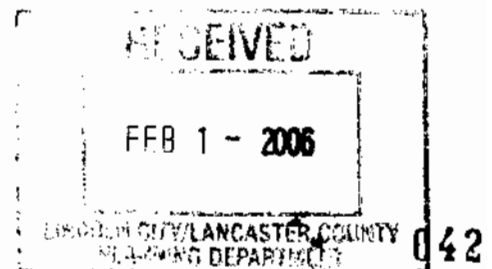
I have known Glenn my entire life and he is a very honest and trustworthy man. Glenn's Body Shop has provided quality car repair to myself and my family for years. I would not trust my car to any other shop.

Please recommend a change of zone in favor of Glenn Hillhouse.

Sincerely,



Amy K. Aldana



Francisco Aldana
1021 Scenic Lane
Lincoln, NE 68505

January 31, 2006

Planning Department
555 South 10th, Suite 213
Lincoln, NE 68508

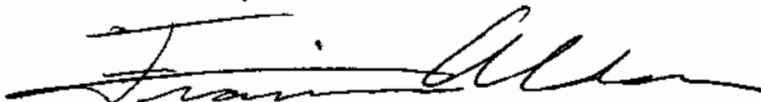
Re: CZ#05082
Glenn Hillhouse

Dear Sir or Madam,

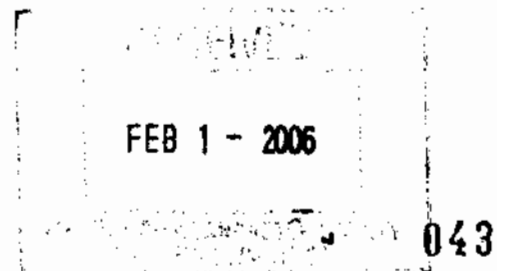
Glenn's Body Shop at 2121 P Street has provided collision repair service to me since I moved to Lincoln in 1997. They are a very reputable and honest business. Glenn and his sons always take the time to explain the issues and answer any questions I may have.

I am asking that you please recommend a change of zone in favor of Glenn Hillhouse and Glenn's Body Shop. Lincoln deserves to have their services for many years to come.

Sincerely,



Francisco Aldana



Jeff Munns Agency, Inc.

1617 NORMANDY CT STE 102 • LINCOLN, NE 68512

*Auto • Home • Farm • Life • Health •
Business*

402-436-2140, phone
402-436-2142, fax
402-580-8333, cell
800-436-9433, toll free
www.jeffmunnsagency.com

FEB 3 - 2006

Wednesday, February 01, 2006

Planning Department
555 S 10TH ST STE 213
Lincoln NE 68508

RE: CZ #05082

To Whom It May Concern:

This letters' intent is to recommend a zone change in favor of Glenn Hillhouse. For over sixteen years, Glenn's Body Shop has served our clients' collision repair needs. I look forward to them providing the same service at their new planned location for many more years to come. Glenn's Body Shop is one of few family owned body shops, and a true asset to the community.

Best Regards,



Jeff Munns
Jeff Munns Agency, Inc.

City of Lincoln
Planning Department
555 South 10th
Suite 213
Lincoln, Nebraska 68508

RECEIVED
FEB 3 - 2006

Ref. number CZ # 05082

February 1, 2006

Antelope Creek Project is a major feature to the city of Lincoln; as it would be for any town that has to create a drainage system (right underneath it). Glenn Hillhouse (Carstar Collision Repair) is doing his best to follow the city code in time to evacuate for the new creek's development.

Glenn's Carstar has been on P Street since 1966. A new location has been bought by Carstar; near its original location. The new one is 21st & K Street. Because Glenn is being fair with the city and his customers, it is only fair that the city of Lincoln adjusts its zoning. I recommend a zoning change in favor of Glenn Hillhouse (Carstar Collision Repair) at 21 & K Street - Lincoln, Nebraska.

I have known Glenn Hillhouse since the fall of 1977. He and his son Allan have helped me many times throughout the years in the automotive world. He is honest, hardworking, and fair. He deserves the consent from the City of Lincoln on the current zoning regulations of 21 & K Street.

Regards,



Clay Strombeck

Clay Strombeck VFW
12739 Horse Creek Rd
Rapid City, SD 57702
605-390-1666
clay@claystrombeck.com